

50-51 which comprise process and product by process claims which the originally filed claims in the great-grandparent, grandparent and parent application support.¹

For example, the claims of the great-grandparent application comprise composition claims for coating a substrate with at least one metal-oxide precursor and at least one deposition-rate enhancing material. Claim 1 of the grandparent application claims a method of depositing a film onto a substrate which comprises depositing at least one layer in the presence of at least one deposition-rate enhancing substance. Claim 6 describes the layer as comprising metal and silicon oxides. Claim 1 of the parent application describes a gaseous composition for the deposition of a layer of tin oxide and silicon oxide onto glass at a deposition-rate greater than about 350 Å/sec. All of these claims clearly show an intent to claim the process and product produced by the process which the claims now cover.

The present amendment amends claims 1-32, originally describing a gaseous composition so that they now claim a process for oxidizing a gaseous composition. Claims 50 and 51 claim the product produced by that process.


Applicants have filed the present application in view of the Examiner's position of refusing to enter process and product by process claims 61-64, in the reissue application as not drawn to an invention under consideration. To the extent this comprises a restriction requirement, applicants point out that MPEP § 1450 provides "[t]he examiner may **not** require restriction in a reissue application (37 C.F.R. 1.176 and

¹ Exhibits 1, 2 and 3 attached to applicants' March 14, 1998 Amendment in reissue application Serial No. 08/544,212 comprise the claims of the great grandparent, grandparent and parent applications of the reissue application.

MPEP § 1440). Even where the original patent contains claims to different inventions which the examiner considers independent and distinct, and the reissue application claims the same inventions, the examiner should not require restriction between them or take any other action with respect to the question of plural inventions. Restriction may only be requested by the applicant (37 C.F.R. § 1.177 and MPEP §1451). . . ." (Emphasis in original). Applicants therefore have filed the present application to cover the subject matter of claims 61-64 in a separate application.

If filing this communication requires payment of a fee which this communication fails to account for, applicants' attorneys request charging such fees to their deposit account number 06-0916.

Respectfully submitted,

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